IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 5933 of 2005

Between:

Meredien Enterprises, H.No.20-4/5, Contractos Colony, Paloncha, Khammam District.
Rep. by its Prop.Smt.Glndira, Through her GPA Holder G.Krishna S/o. Surya Rao, R/o.Paloncha, Khammam District.

..... PETITIONER

AND

1 The Andhra Pradesh Power Generation Corporation Ltd.Khairatabad, Hyderabad Rep. by its
Khairatabad, Hyderabad, Rep. by its Chairman and Managing Director,
2 The Chief Engineer, Operation and Maintenance,
K.T.P.S. Paloncha, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of Mandamus declaring the Proceeding Proceedings in Lr.No.CE/O&M/KTPS/A&P/Purchase/D.No.449/2004, dt.17.2.2005 on the file of the 2nd respondent herein, wherein the Proc.No.CE/O&M/KTPS/Purchase/D.No.387/2002, dt.11.9.2002, were confirmed blacklisting the petitioner firm for a period of 5 years with immediate effect, as illegal, arbitrary and violation of principles natural justice and consequently direct the respondents herein to consider the petitioner firm for the future contracts as usual and pass such other order or orders.

Counsel for the Petitioner: MR.T.BHEEMSEN & T.V.PRANAI KUMAR

Counsel for the Respondent No.: SMTE.URMILA

The Court at the stage of admission made the following :

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ORDER:.

Heard both sides and at their request this Writ Petition is taken up for disposal at the stage of admission.

In this Writ Petition, the petitioner is seeking a writ of Mandamus declaring the proceedings dated 17.2.2005 on the file of the 2nd respondent herein, wherein the proceedings dated 11.9.2002 were confirmed blacklisting the petitioner firm for a period of five years with immediate effect, as illegal, arbitrary and direct the respondents herein to consider the petitioner firm for the future contracts as usual.

It is not in dispute that the petitioner-Firm was blacklisted for execution of works and supply of materials in the year 2001 on certain grounds. A show cause notice dated 9.8.2001 was issued to which an explanation dated 16.8.2001 was offered by the petitioner. The contention of the petitioner is that against the order dated 11.9.2002, blacklisting the petitioner firm for a period of five years with immediate effect, in the year 2002 itself, a review petition had been filed on 15.9.2004, on the ground that the grounds shown in the show cause notice were different form the grounds on which the petitioner-firm was actually blacklisted. The said review petition, though filed in the year 2004, had been rejected by the impugned proceedings dated 17.2.2005. In the impugned order dated 11.9.2002, the ground for blacklisting appears to be that the alleged dealership of the Vasanth Trading Company from UNBRAKO is a forged one and is also time bared. But the contention of the petitioner that this ground was not the ground which was originally shown in the show cause notice dated 9.8.2001 and the same is totally a new ground, for which no show cause notice was issued nor there is any opportunity was given to the petitioner for filing explanation and hence, it is contrary to the principles of natural justice.

Having regard to the facts and circumstances, the Writ Petition is allowed and

the impugned orders dated 11.9.2002 and 17.2.2005 are set aside. The respondents are directed to issue a show cause notice on the actual ground on which the petitioner-Firm was blacklisted and after receiving an explanation from the petitioner, the same shall be considered and final orders be passed thereon and communicate the same to the petitioner. No costs.

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D.S.R. VARMA, J

DATED: 29.03.2005

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To

1 The Andhra Pradesh Power Generation Corporation Ltd.Khairatabad, Hyderabad Rep. by its
Khairatabad, Hyderabad, Rep. by its Chairman and Managing Director,
2 The Chief Engineer, Operation and Maintenance,
K.T.P.S. Paloncha, Khammam District.

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